

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
vs.
ALYSSA SEABOLT,
Defendant.

Docket No. 1:22-CR-77

DEFENDANT'S SENTENCING MEMORANDUM

INTRODUCTION

Defendant, Alyssa Seabolt, by and through undersigned counsel, respectfully submits this memorandum to provide additional information to assist the court in fashioning a sentence “sufficient but not greater than necessary” to achieve the statutory purposes of punishment, as required by 18 U.S.C. § 3553(a).

In addition to the documents referred to below and filed separately under seal, attached as Exhibit 1 to this sentencing memorandum are two letters of support.

THE APPROPRIATE SENTENCE

A. Request for a downward variance.

A sentence of 360 months is not the appropriate sentence for someone like Alyssa. All her life she has been a throwaway kid, a throwaway person. She

did not have many protectors and learned that there were few places and people to turn to for help. She has felt like a nobody her entire life and with good reason: she has been treated like a non-person. This does not excuse her criminal conduct, but it points to how she got here and why a focus on rehabilitation is just as important as other purposes of sentencing.

Nevertheless, a sentence of fifteen years complies with the purposes of sentencing set forth in 3553(a). This is a serious sentence that incapacitates Alyssa, provides specific and general deterrence, promotes respect for the law, and provides just punishment. A fifteen-year sentence also reflects how serious this crime is but also recognizes circumstances that are present in Alyssa's life that are not in others. With appropriate corrective actions, including therapy, she can live a productive life.

Five reasons stand out for the sentence requested: 1) Childhood abuse and neglect; 2) Lack of parental guidance; 3) Lack of criminal history; 4) Low risk of re-offending; 5) Role in the offense.¹ Alyssa's history and characteristics are set forth in great detail in Elizabeth Griffin's report,² Exhibit 2 filed separately and under seal. This report details the mitigating factors regarding Alyssa's childhood, which was spent with people who harmed her, and provides studies that differentiate a female offender who commits a crime by herself versus one who is encouraged by a male to commit a crime. Because the report is comprehensive, this memorandum will not repeat the same information.

¹ It is not known at this time if the person in Canada also involved in the offense has ever been located and/or prosecuted.

² This report is filed separately as Exhibit 2 and a request will be made to file it under seal.

At the same time, it is important that the court know that Alyssa has undergone self-reflection that led to insights about herself, her life and what she must do to not be the person that committed these criminal acts. So that the court has a fuller picture of what this young woman has gone through, Alyssa provides in her own words, what it was like growing up as she has and her hopes for the future.

B. Alyssa's Self-Reflection

Memories growing up:

- I was scared of everything, it seems like always had issues sleeping. I remember lying in bed at night, scared but I don't remember why. If I woke up and tried to wake up my mother she often wouldn't, so I always thought she was dead, that was why my brother Anthony passed.³
- My mom told me that she called home from work when I was 3 and I answered the phone. She asked where dad was and I said, "I think he's dead." Because he was passed out on the couch, I guess from drugs.
- I saw lots of yelling and violence, fighting between various people, most violence was from Jeremy and Dan [mother's boyfriends]. Never my dad [who died when she was seven years old]. I do have good memories too. Cooking/baking with my grandma, singing with mom often, going to church with family, visiting family in various states, spending time with cousins and siblings.

Mother's parenting:

- She started staying in her room a lot or wouldn't be home when I woke up. She went from very loving to pretty distant. It seems like that happened when I was about 5-6, when she was with Jeremy [mother's boyfriend].

³ Her brother, Anthony, died of sudden infant death.

Feeling safe:

- Sometimes I didn't [feel safe], because of the men and how they acted. Never knew when something else was going to happen or what it would be. I felt anxious a lot of the time but not always. Sometimes were worse than others. Jeremy [mother's boyfriend] used to do strange things like use a grocery bag to tie our cat to a porch chair by its leg, refuse to give me a drink when a sharp chip was stuck in my throat, hold me up by my undies until they ripped at the crotch and I fell, hold me and tickle me so hard it hurt while saying he would tickle me until I peed my pants. So I've always been one to keep to myself until you well enough. Wary of most people.
- [What scared me as a kid was] violence, arguments, yelling, fighting. It's unpredictable. I felt too young to be able to help. When I was 6 or 7, my mom was bleeding a lot, I remember a cup or something like that. Sitting with [brother] Alex and I in a room watching a movie trying to distract us from what was going on outside the door---that was scary, of course.
- [To feel safe I would] go to another room and be very quiet. I'd have my siblings as well. When [mother's boyfriend] Dan's mom locked us kids outside the house in the dark while her and her husband fought, I snuck into another door and called my grandma to pick us up. Mainly I stayed silent when I was scared, didn't know what else to do.

Group home and adoptive family:

- The only time I felt treated different was with the Carters who adopted me the first time, before Papa [paternal grandfather] and at the Haysville group home—one set of house parents didn't like me for whatever reason—they had me scrubbing floors on my knees with a brush many, many times for small things like stepping into my brother's room to close his curtains because he was scared of the storm, then for reading past bedtime, asking twice for a cup of milk—I forgot I already asked.

Worse childhood memories:

- Jeremy [mother's boyfriend] beat mom so horribly that we went into a foster house for the first time, the people liked [my younger brother] Alex but not me. Gave me less food, made me stand inside and watch him play, I didn't get to go outside. They yelled at me for letting Alex sleep beside me, but he was 5 and terrified. We'd always slept beside each

other. When we left someone took me to see mom [who had been beaten up by her boyfriend]. I'd been holding her hand walking but didn't recognize her. I asked when I could see my mom. She said, "Alyssa, I am your mom."

- When Jeremy rammed the car into the house trying to hurt us.
- Seeing my dad in a casket, at 7 years old. Some women kept telling me he was only sleeping. I'd been through it with Anthony [her brother who died from SID] I was familiar with death. I was a very angry kid that day. I still remember my mom getting the call and saying, "Alyssa, your dad died."

Childhood challenges:

- I've never had a ton of friends. I knew some other kids because our parents did drugs together so we would play while the adults were in a room. I didn't quite understand that until I was like 8. Allison swallowed a pill so I took her to mom, watched mom force Allison to puke it up. Mom collapsed into the floor and confessed she does drugs. I told her I knew already.
- The men my mom was with after my dad, moving so much. The things I saw and heard, not knowing how to deal with all these things but being too afraid to ask anyone.
- [I didn't feel like I had choices in my life], other than who would adopt me. And then my choice to go back to Broyhill [group home] and stay until I aged out.

School:

- I moved a lot so it was difficult. I got bullied off and on through the years. I was too fearful to ask questions in class. I eventually gave up. Got held back in the 6th grade. It got better when I went to Alabama. I wasn't bullied and I tried in my classes. It was often hard for me to focus or pay attention, especially when I was younger. I had trouble sleeping, so reading made me doze off.
- I got teased for not having a dad after he passed, being too quiet, having oily hair, acne. I wasn't popular by any means. Most people probably had no clue who I was. I was usually known as Alex's sister instead of by my name. He played sports and was popular. I felt pretty alone a lot of the time.

Somewhat bright moments:

- I graduated when I was 18 weeks pregnant. I didn't have a job until I was 19. My son was 3 months old at the time. Didn't want to leave him. I was a bit of a loner.
- Obviously, I messed up. But before that, I was responsible. I was a good mom, sister, everything. I always tried to do what I could to help other people be a good person. I'm grateful that my loved ones know me well. That I'm not some crazy monster. I made a mistake and it won't happen again.

What people don't know about me:

- I love to write. I used to write poetry a bit in my teens. Mostly about things I've been through. I wrote once about the time that I came to this same jail [Cherokee County Detention Center] with my grandma to get my mom out on Christmas Eve. We sat and waited past midnight. We went home finally. I was so happy. I was like 14. Mom showered then left, didn't come back. I was crushed. So I wrote about it. An old friend used to post my writing on his Facebook anonymously. People liked it. I usually kept it to myself.

What I'd like the judge to know about me:

- This situation is very un-like me. I've used this time [in jail] to get close to God and better myself in every way possible. I just want another chance at life. I'll do everything in my power to be the best me I can, and to never be in any trouble again in my life.
- I will not accept other people's burdens for myself like that again. Not be a people pleaser ever again. It was slowly killing me. Escaping reality was my outlet. I'm in a healthy mindset now.

Future:

- I would like to be a pastry chef. I would like to work in a bakery or somewhere with books or just anything I could handle. I'm open to trying new things. I'll just be happy to work, period.
- I hope I can be a mom, see my family and friends. Make something of myself. Work. Make my loved ones proud. Be the mom, sister, daughter, etc. they deserve. Have a peaceful life.

C. Remorse and Acceptance of Responsibility

Alyssa feels very guilty for what she has done. While she knows words can never be enough to heal the pain she has caused, it is important to her that the minor victim and family knows that she is filled with remorse. Filed as Exhibit 3, is a letter,⁴ she wrote to the minor victim's mother expressing her greatest regret.

CONCLUSION

Based on the foregoing reasons, this court is respectfully requested to grant Alyssa Seabolt's request for a downward variance and sentence her to 15 years.

Dated: February 22, 2024

Respectfully submitted,

/s/ Fredilyn Sison
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⁴ This letter will also be filed under seal so that the victim and family will remain unidentified to protect their privacy. The handwritten letter and the typed version was sent to the government to be provided to the family.